

**United States Senate**

**Committee on Commerce, Science and Transportation**

**Prepared Testimony of Marlene Robinson and Bruce Brabec for Hearing on the June 10, 1999 Olympic pipeline accident**

**May 11, 2000, Bellingham, Washington**

On June 5<sup>th</sup> of last year, my 18-year-old son Liam graduated from Sehome High School. His graduation present from us was his first hard-shell, whitewater kayak. Friends in Oregon were bringing it up for him later in the month, and he was so excited he pored over river kayaking books for the next five days, waiting for the kayak's arrival. He had just started working at a local outdoor sports store to help pay his way through Western Washington University, where in September he'd begin his first year of college. He'd just finished a series of swing dance classes with his friend, Jane, and the two of them had signed up for tango lessons for the summer.

Liam never got to see his kayak, or go with Jane to any more dance lessons, or attend college.

Five days after graduation on the morning of Thursday, June 10<sup>th</sup>, Liam called me at work to check in. He'd gone into work but had been given the day off when it was discovered the shop had too many employees scheduled for the shift. It was a beautiful, sunny day. I didn't ask Liam what he was going to do. I wanted him to have the sense of freedom a day like that gives. He was 18 years old, six foot two, strong and capable, and deserved that sense of freedom. As it turned out, Liam decided to do the thing that made him happiest – he went fly-fishing.

He went to his favorite place, Whatcom Falls Park; a pristine piece of nature not 5 minutes from downtown. He was in a steep gorge when the 230,000 gallons of gasoline spilled down the creek. The oxygen in the gorge was replaced by a 35-foot wall of hydrocarbon fumes. Liam was overcome within seconds. He fell into the foot-deep creek and drowned. A short time later, the gasoline and fumes exploded, sending the fireball down the creek that killed Wade and Steven and every other living thing in its path for a mile and a half.

Whatcom Falls Park will never be the same. The creeks that were burned are destroyed forever, the deep humus and vegetation burned down to rock that cracked open in the heat, the leafy canopy formed by huge trees gone. We humans now go about the enormous task of building new creeks, trying to mimic the complexity, efficiency and mystery of nature.

Our community will never be the same. Children are still afraid to go to sleep at night. Parents are afraid that no matter what they do, their children are not safe. Emergency workers are left with horrible memories of a day filled with fear, uncertainty and death.

Our lives will never be the same. Two beautiful, much-loved 10-year-old boys and an 18-year-old young man who had much to give and a whole lifetime yet to live. We are joined in our grief by our families, our friends, and our community. Just carrying on from one day to the next has become a task requiring enormous self-discipline.

What have you lost in your home states, what are you willing to lose still, because, though we have the ability, we lack the means and the will to keep the nation's communities safe from pipeline accidents?

We in Bellingham are now painfully aware of the danger that pipelines pose to every community in this nation. We have learned that what happened in Bellingham was not an isolated incident. The federal government has allowed the pipeline industry to be largely self-regulated. This has led to a pattern in the last twenty years of fuel transportation accidents throughout the country. The pipeline industry will never have as its bottom line the health and safety of communities. It is up to communities themselves and therefore their public representatives and government agencies to ensure that pipelines are safe. The technology exists for pipelines to be safe. What we did not know before the pipeline ruptured in Bellingham, but have learned at the price of our son's life, is that what is lacking is required, adequate safety standards, regulation and enforcement. The federal Office of Pipeline Safety has woefully, and over a long period of time, failed in its mandate. We all know that had OPS addressed these issues adequately in the past, our town would not still be reeling from loss. We are working to make sure that no other

community has to suffer a similar loss.

I no longer have children to protect. Nothing I do or say about this issue can bring Liam back. I do, however, consider it my privilege and obligation to do what I can to protect the children of this and other communities. I need to impress upon you that it is not enough to make minor changes in pipeline safety regulation and to once again hand over the reins to OPS. Before June 10<sup>th</sup>, none of us in Bellingham had any idea that we needed to be experts in fuel transportation safety. We frankly didn't even know that we had a gasoline pipeline running through the very heart of Bellingham, under streets, past houses, schools, and parks. We thought we had a federal agency called the Office of Pipeline Safety, and we had faith that that agency was doing its job.

We no longer have that faith. I urge this committee to do what is necessary to protect the citizens of this nation from further avoidable and predictable tragedies caused by inadequate regulation, oversight and enforcement. My recent education has convinced me that we need two things. We need a federal Office of Pipeline Safety that is staffed by committed, expert servants who have the health and safety of communities as their bottom line. And we need strong, independent, well-funded regional advisory councils to ensure that over time, we do not return to business as usual.

Our children's deaths were not trivial; they were not an "acceptable risk." We easily have the capacity to protect our communities from the kind of "accident" that killed our children and has killed all too frequently and needlessly in other states. What I need from you; what every community in this country needs from you, is action that will finally guarantee us an Office of Pipeline Safety that truly protects the safety of citizens across the nation, and that will include citizens and local and state governments as effective partners in the national oversight of pipeline safety.

Our children are gone; and gone needlessly. We will not rest until Congress passes a bill that ensures pipelines are safe for all children, and all communities, across the nation. I thank you for all that you are doing, and will do, to help us reach our goal.

I am Bruce Brabec. I am Liam Wood's step father.

Thank you for this opportunity for our families to speak to you today. Up until the end of last week, we weren't sure if we would be scheduled to testify today. It had been indicated that our testimony in Bellingham may have been sufficient for the committee. We believe the loss of our children has made it necessary for our voices to be heard whenever pipeline safety is being discussed. So thank you for another opportunity.

Our families are here telling you that stronger pipeline safety regulations are very necessary. The stakes are quite high. When things go wrong, they can go very wrong. What happened in our community and to our families is a testament to how deadly and serious the mistakes can be. And we keep hearing of how many of our nation's pipelines are old and have been in the ground for many years and that the expansion of many communities over the years has resulted in these pipelines now being located in heavily populated areas, including very close to schools. The risks have grown, and we do not just have a situation with an accident waiting to happen. The accidents, the tragedies are happening. We need to reduce the risks to our communities and to improve our pipeline transportation safety.

The current standards are inadequate and the regulatory agency, the Office of Pipeline Safety, has been ineffective. We have heard many times how poor the performance of the OPS has been in response to recommendations of the NTSB. And as public awareness of the issues is going up, the public confidence in the current regulations and monitoring is going down. Many important changes are being proposed. Regional advisory councils similar to that set up after the Exxon Valdez oil spill are needed to increase accountability; safety plans of pipeline companies need to be reviewed by outside agencies (EPA); whistleblower protection is needed; the public should have the right to know about safety records of pipeline companies and the results of investigations; timely response and action by OPS to NTSB recommendations is needed; and stronger fines are needed. These are some of the many changes being proposed. All of these changes are necessary to improve safety and help to bring attention and solution to problems before more families like our three have to come to Washington to mourn their losses and push for safer

standards.

I wish that Liam could be here to speak with you today, but obviously he can't with his voice. But he did leave us a message I would like to share with you. He was a fly fisherman....this is one of his fly reels. He left it with a message to us.....for those of us who knew him, this reel reminds us of the beautiful life of our son....this sound is one of bittersweet joy for Marlene and me. Liam was using this reel when he was fishing on Whatcom Creek on June 10<sup>th</sup>. When he collapsed into the water, he held on to his rod and reel. They were held under water and thus did not get destroyed in the explosion. But the creek became a creek of gasoline and this reel was saturated with gasoline. It has since been cleaned and has been sitting in the open air for most of this past year, but you can still smell the gasoline. This reel is a beautiful reminder of our son and a chilling reminder of the way he died. It is also a testament to the need for dramatic change in safety regulation.

Sunday is Mother's Day. Liam and I have not been able to plan how we are going to honor Marlene on that day. He and I haven't been able to spend time trying to decide the right gift to convey our love and appreciation of his mother. Marlene will not get another card written by Liam for her to treasure long into the future. Mother's Day is now just one more day....another one of missing Liam and the we should have had together. We can't have Liam back.

We can't have that future with Liam. What we want now is to be able to make a difference so that other families do not have to feel the loss that our family and all three of our families feel.

Thank you for your attention to our testimony. We need you to make serious changes to improve pipeline transportation safety. For Liam, Stephen and Wade....and for a safer future for our families and our communities.